

One Wells Fargo Center 301 South College Street Suite 3500 Charlotte, NC 28202-6037

Telephone: (704) 331-4900 Fax: (704) 331-4955 www.wcsr.com Bradford A. De Vore Direct Dial: (704) 331-4941 Direct Fax: (704) 338-7802 E-mail: bdevore@wcsr.com

November 14, 2014

#### **VIA FEDEX**

Mr. Michael Hom Environmental Engineer United States Environmental Protection Agency Clean Water Enforcement Branch 61 Forsyth Street, SW Atlanta, GA 30303-8960

Re:

Duke Energy Corporation's ("Duke Energy") Response to U.S. EPA's Request for Information Pursuant to Section 308 of the Clean Water Act Dated August 25,

2014 Question 2

Dear Mr. Hom:

This letter, enclosed CD and the attached Responses and Objections constitute a response of Duke Energy to the Request for Information ("RFI") from the U.S. Environmental Protection Agency ("EPA") dated August 25, 2014, addressed to Ms. Lynn J. Good of Duke Energy and received by Duke Energy on August 28, 2014. Pursuant to the agreement reached between Matt Hicks of EPA and David Buente of Sidley Austin, we are submitting responses to question 2 for the following facilities:

Asheville Belews Creek Cape Fear Cliffside Dan River L.V. Sutton Riverbend



Mr. Michael Hom United States Environmental Protection Agency November 14, 2014 Page 2

Thank you for your attention to these matters.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE

A Limited Liability Partnership

Brad A. De Vore

BAD/ngb Enclosures

cc w/encl:

Laurie Lindquist Ireland, EPA

Matthews Hicks, EPA Denisse Diaz, EPA

Thomas Reeder, NCDENR David Fountain, Duke Energy Julie Ezell, Duke Energy

David Buente, Sidley Austin LLP

Sylvia Lowrance





# Responses and Objections of Duke Energy Corporation to EPA's Section 308 Request for Information Dated August 25, 2014 Question # 2

## I. General Objections

Duke Energy Corporation ("Duke Energy") incorporates by reference, as if fully set forth herein, its General Objections stated in Duke Energy's First Response to the Request for Information ("RFI #2") from the U.S. Environmental Protection Agency ("EPA") dated August 25, 2014, submitted to EPA by Duke Energy on October 17, 2014.

# II. Responses and Specific Objections

Subject to and without waiving the General Objections above or Specific Objections below, Duke Energy responds to Question 2 of RFI #2 as set forth below. Duke Energy reserves the right to supplement these responses.

- 2. For the period from January 2009 through the present, provide the following information for the NPDES permitted facilities listed below: all Discharge Monitoring Reports (DMRs) that indicate effluent limitation noncompliance or failure to monitor pursuant to the permit; all notifications to NCDENR as per the NPDES permit provisions of Part II.E(7) through Part II.E(9); NCDENR response to reported noncompliance.
  - a. NPDES NC0000396 Asheville Steam Electric Generating Plant
  - b. NPDES NC0001422 L. V. Sutton Electric Plant
  - c. NPDES NC0003417 H.F. Lee Steam Plant
  - d. NPDES NC0003425 Roxboro Steam Electric Generating Plant
  - e. NPDES NC0003433 Cape Fear Steam Electric Generating Plant
  - f. NPDES NC0003468 Dan River Combined Cycle Station
  - g. NPDES NC0004774 Buck Steam Station
  - h. NPDES NC0004961 Riverbend Steam Station
  - i. NPDES NC0004979 Plant Allen Steam Station
  - j. NPDES NC0004987 Marshall Steam Station
  - k. NPDES NC0005088 Cliffside Steam Station
  - I. NPDES NC0005363 Weatherspoon Steam Electric Plant
  - m. NPDES NC0024406 Belews Creek Steam Station
  - n. NPDES NC0038377 Mayo Steam Electric Generating Plant

#### Specific Objections:

Duke Energy objects to Question No. 2 on the basis that the following terms used in the question are vague and ambiguous, rendering Question No. 2 unreasonable: "indicate," "noncompliance," "notifications," "reported," and "failure to monitor."

Duke Energy further objects to Question No. 2 on the basis and to the extent that it requests Duke Energy to produce information that is fully and equally available to EPA. Duke Energy also objects to responding with any information that concerns groundwater conditions or sampling/data at the enumerated facilities.

Duke Energy objects to producing again those materials included with its responses dated September 17, 2014 and October 3, 2014 to the EPA Request for Information dated July 31, 2014, questions 2, 3 and 4 and those materials are incorporated herein by reference.

By agreement with EPA confirmed in an email between Matt Hicks of EPA and David Buente and Sylvia Lowrance dated September 9, 2014, Duke Energy is providing responses to Question No. 2 in a series of facility-specific spreadsheets, as follows:

On November 17, 2014, responses for:

- A. Asheville Steam Electric Generating Plant
- B. Belews Creek Steam Station
- C. Cape Fear Steam Electric Generating Plant
- D. Cliffside Steam Station
- E. Dan River Combined Cycle Station
- F. L. V. Sutton Electric Plant
- G. Riverbend Steam Station

# On December 15, 2014, responses for:

- H. Plant Allen Steam Station
- Buck Steam Station
- J. H.F. Lee Steam Plant
- K. Marshall Steam Station
- L. Mayo Steam Electric Generating Plant
- M. Roxboro Steam Electric Generating Plant
- N. Weatherspoon Steam Electric Plant

Attachments A through G identify, by facility, the persons primarily consulted in the preparation of Duke Energy's responses and the documents primarily relied upon in the development of these responses for Asheville, Belews Creek, Cape Fear, Cliffside, Dan River, L.V. Sutton and Riverbend. Identifying information for the persons primarily consulted can be found in Appendix A to these responses, and documents primarily relied upon can be found on the disk provided with these responses, Bates Numbered EPARFI04097 to EPARFI04218.

Duke further responds that it became aware of "seeps" as identified in the response to the July 31, 2014 EPA Request for Information, questions 3 and 4 for the Asheville, Belews Creek, Cape Fear, Cliffside, Dan River, L. V. Sutton and Riverbend facilities. Certain of those seeps were brought to the attention of NCDENR in 2010 including in a 2010 powerpoint presentation (see Bates stamped EPARFI01178-1190; powerpoint presentation) and NCDENR took no action in response. In response to NCDENR requests in 2014, Duke retained certain consultants to identify "seeps" at its North Carolina plants. The "seeps" identified by those consultants were included in NPDES permit application packages submitted to NCDENR to date as follows:

<u>Facility</u>	NPDES Permit No.	Date of Submittal	Description of Submittal
Allen	NC0004979	2014-10-15	Permit Application
Allen	NC0004979	2014-10-31	Updated information - Toe Drain
Asheville	NC0000396	2014-07-30	Update of Renewal Application originally
			submitted on June 16, 2010
Asheville	NC0000396	2014-10-31	Updated seep map
Belews Creek	NC0024406	2014-07-29	Permit Modification Request
Belews Creek	NC0024406	2014-10-31	Updated Seep Map and Toe Drain
			Information
Belews Creek	NC0024406	2014-11-06	Updated Seep Monitoring Plan -
			inadvertently omitted from 10/31/2014
			submittal – upon detection of the
			omission, the document was promptly
			provided to NCDENR via email
Buck	NC0004774	2014-10-14	Permit Modification Request
Cape Fear	NC0003433	2014-07-30	Update to NPDES Permit Application
			submitted on December 2, 2010
Cape Fear	NC0003433	2014-10-31	Updated seep map and analytical results
0:::: 1			for seep S-16
Cliffside	NC0005088	2014-07-28	Permit Modification Request
Cliffside	NC0005088	2014-10-31	Updated seep map with toe drain
			information and analytical results for
D. B'	1100000		seep 17
Dan River	NC0003468	2014-07-29	Permit Modification Request
H.F. Lee	NC0003417	2014-10-14	Update of Renewal Application originally
Manalasii	110000 100=		submitted on November 20, 2012
Marshall	NC0004987	2014-10-09	Permit Application
Marshall	NC0004987	2014-10-31	Updated seep map
Mayo	NC0038377	2014-10-13	Update to existing NPDES Application
Mayo	NC0038377	2014-10-31	Updated seep map
Riverbend	NC0004961	2014-05-15	Permit Application
Riverbend	NC0004961	2014-05-28	Additional check to cover fee for major
D - 1 -	NO SERVICE		permit modification
Roxboro	NC0003425	2014-10-13	Update of Renewal Application originally
O !!			submitted on September 28, 2011
Sutton	NC0001422	2014-07-28	Application update in response to
			DENR's Notice of Modification dated
\\/ 4b	NOOGETTE		March 14, 2014
Weatherspoon	NC0005363	2014-10-10	Application Amendment update to Permit
			Application originally submitted on
			January 28, 2014

Supplemental information to those applications will likely also be submitted to NCDENR.

Appendix A Identifying Information for Individuals Consulted

Identifying information for Individuals Consulted				
Name	Position	Employment Address	Telephone	
Baxley, Larry C.	EHS Construction Manager – Carolinas East Gen Env.	Weatherspoon Plant 491 Power Plant Rd. Lumberton, NC 28358	910-272-7062	
Burrell, Donna L.	Contractor - Decommissioning Env Field Supt	Riverbend Steam Plant 175 Steam Plant Rd. Mt. Holly, NC 28120	704-263-3202	
Hodges, Steve D.	Lead EHS Professional – Carolinas West Generation Env	Cliffside Steam Station 573 Duke Power Rd. Cliffside, NC 28024	828-657-2339	
Martin, Melonie Y.	Lead EHS Professional – Carolinas East Generation Env	Belews Creek Steam Station 3195 Pine Hall Rd. Belews Creek, NC 27009	336-445-0610	
Moorhead, Laurie L.	Lead EHS Professional – Carolinas West Generation Env	Asheville Plant 200 CP&L Dr. Arden, NC 28704	828-687-5240	
Newcomb, Dana H.	Sr EHS Professional – Carolinas East Gen Env	Dan River Steam Plant 900 S. Edgewood Rd. Eden, NC 07288	336-635-3186	
Tyndal, Rodney Kent (Kent)	Environmental Specialist	Duke Energy 801 Sutton Steam Plant Rd. Wilmington, NC 28401	910-341-4775	

**Certification** 

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Harry Sideris

Senior Vice President - Environment,

Health & Safety

Date: 1///4//4



One Wells Fargo Center 301 South College Street Suite 3500 Charlotte, NC 28202-6037

Telephone: (704) 331-4900 Fax: (704) 331-4955 www.wcsr.com Bradford A. De Vore Direct Dial: (704) 331-4941 Direct Fax: (704) 338-7802 E-mail: bdevore@wcsr.com

December 1, 2014

#### **VIA FEDEX**

Mr. Michael Hom Environmental Engineer United States Environmental Protection Agency Clean Water Enforcement Branch 61 Forsyth Street, SW Atlanta, GA 30303-8960

Re:

Duke Energy Corporation's ("Duke Energy") Response to U.S. EPA's Request for Information Pursuant to Section 308 of the Clean Water Act Dated July 31, 2014 Ouestions 3 and 4

Dear Mr. Hom:

This letter, enclosed CD and the attached Responses and Objections constitute a response of Duke Energy to the Request for Information ("RFI") from the U.S. Environmental Protection Agency ("EPA") dated July 31, 2014, addressed to Ms. Lynn J. Good of Duke Energy and received by Duke Energy on August 4, 2014. Pursuant to the agreement reached between Matt Hicks of EPA and David Buente of Sidley Austin, we are submitting responses to questions 3 and 4 for the following facilities:

Allen

Buck

Lee

Marshall

Mayo

Roxboro

Weatherspoon



Mr. Michael Hom United States Environmental Protection Agency December 1, 2014 Page 2

Thank you for your attention to these matters.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE

A Limited Liability Partnership

Brad A. De Vore

BAD/ngb Enclosures

cc w/encl: Laurie Lindquist Ireland, EPA

Matthews Hicks, EPA Denisse Diaz, EPA

Thomas Reeder, NCDENR David Fountain, Duke Energy Julie Ezell, Duke Energy

David Buente, Sidley Austin LLP

Sylvia Lowrance



Harry K. Sideris Senior Vice President Environmental, Health & Safety 526 S. Church Street Mail Code: EC3XP Charlotte, NC 28202 (704) 382-4303

### Second Responses and Objections of Duke Energy Corporation to EPA's Section 308 Request for Information Dated July 31, 2014 Questions 3 and 4

#### I. General Objections

Duke Energy Corporation ("Duke Energy") incorporates by reference, as if fully set forth herein, its General Objections stated in Duke Energy's first response to the Request for Information ("RFI") from the U.S. Environmental Protection Agency ("EPA"), submitted to EPA by Duke Energy on September 17, 2014.

#### II. Responses and Specific Objections

Subject to and without waiving the General Objections above or Specific Objections below, Duke Energy responds to Questions 3 and 4 of the RFI, as set forth below, with respect to the following facilities:

Allen

Buck

H. F. Lee

Marshall

Mayo

Roxboro

Weatherspoon

Duke Energy reserves the right to supplement these responses.

- 3. Provide the following information with respect to the discharge locations at the Duke Energy facilities identified on Enclosure C to this information request:
  - a. After Jan 1, 2009, when did Duke Energy identify any release of liquid from these locations. Provide dates and durations of any such release.
  - b. Did any of these releases occur during non-storm events?
  - c. Did Duke Energy identify the constituents and source of any such release(s)?
  - d. Did Duke Energy seek industrial wastewater and/or stormwater permit coverage under NPDES for any such release(s)? If not, why?
  - e. If permit coverage was sought for any such release(s) but was not issued by NCDENR, did NCDENR provide an explanation as to why? What was Duke Energy's response to not obtaining permit coverage?

#### **Specific Objections:**

Duke Energy objects to Question No. 3 on the basis that the following terms used in the question are vague and ambiguous, rendering Question No. 3 unreasonable: "release," "any release," "releases" and "release(s)"; "non-storm events"; "constituents"; "source"; and "response."

Duke Energy further objects to Question No. 3 on the basis that the term "liquid" seeks information beyond the scope of the Clean Water Act NPDES program, which only applies to point source discharges of pollutants to navigable waters of the United States.

Duke Energy further objects to Question No. 3 as unduly burdensome, vague, ambiguous and unreasonable on the basis that Enclosure C (which is of uncertain authorship and authentication) does not accurately identify purported "discharge locations." Despite significant efforts, Duke Energy has been unable to identify in the field, based on the coordinates contained in Enclosure C, all of the "discharge locations" that EPA purports to identify in Enclosure C, or whether features that have been identified are, in fact, evidence of discharges. Duke Energy has made a good faith attempt to locate the areas identified in Enclosure C and has responded to Question 3 to the best of its ability.

### Response:

Notwithstanding and without waiving its General and Specific Objections, Duke Energy responds to Question No. 3 as follows:

Using the coordinates listed in Enclosure C of the RFI, Duke Energy attempted to verify whether, in fact, any "discharge points" could be found at those locations. In some instances, Duke Energy was able to find some feature at the location that generally corresponded to the coordinates, e.g., a pipe or standing water. In other instances, Duke Energy was unable to find any such feature in the location described by the coordinates, in which case Duke Energy looked in the general vicinity. In all cases, once Duke Energy located a feature that appeared to correspond to one of the "Interest Numbers" on the list in Enclosure C, Duke Energy then attempted to determine, based on visual observation and other available information, whether the feature was, in fact, a "discharge point." In many instances, the features so identified were determined not to be discharge points, e.g., intake pipes, and areas that might have been wet at the time that NCDENR observed them, but which were not wet at the time of Duke Energy's field inspection. In other instances, Duke Energy was able to match an Interest Number with a discharge point.

Duke Energy has summarized the results of these efforts and has otherwise provided answers to Question 3 in a series of facility-specific spreadsheets, as follows:

Attachment A: Allen
Attachment B: Buck
Attachment C: H. F. Lee
Attachment D: Marshall
Attachment E: Mayo
Attachment F: Roxboro

Attachment G: Weatherspoon

Attachments A through G also identify, by facility, the persons primarily consulted in the preparation of Duke Energy's responses and the documents primarily relied upon in the development of these responses. Identifying information for the persons primarily consulted can be found in Appendix A to these responses, and documents primarily relied upon can be found on the disk provided with these responses.

- 4. Is Duke Energy aware of any other location(s) at Duke Energy facilities other than those identified in Questions 2 and 3 above from which there have been releases of liquid to surface water after January 1, 2009? If so, provide the following information:
  - a. Dates and durations of any such release.
  - b. Latitude and Longitude location of any such release.
  - c. Did any of these releases occur during non-storm events?
  - d. Did Duke Energy identify the constituents and source of any such release(s)?
  - e. Did Duke Energy seek industrial wastewater and/or stormwater permit coverage under NPDES for any such release(s)? If not, why?
  - f. If permit coverage was sought for any such release(s) but was not issued by NCDENR, did NCDENR provide an explanation as to why? What was Duke Energy's response to not obtaining permit coverage?

### Specific Objections:

Duke Energy objects to Question No. 4 on the basis that the following terms used in the question are vague and ambiguous, rendering Question No. 4 unreasonable: "release," "any release," "releases" and "release(s)"; "non-storm events"; "constituents"; "source"; and "response."

Duke Energy further objects to Question No. 4 on the basis that the term "surface water" seeks information beyond the scope of the Clean Water Act NPDES program, which only applies to point source discharges of pollutants to navigable waters of the United States. Duke Energy interprets the term "surface water" to exclude internal discharges to wastewater treatment facilities such as settling ponds and stormwater retention basins.

Duke Energy further objects to Question No. 4 on the basis that the term "liquid" seeks information beyond the scope of the Clean Water Act NPDES program, which only applies to point source discharges of pollutants to navigable waters of the United States.

#### Response:

Notwithstanding and without waiving its General and Specific Objections, Duke Energy responds to Question No. 4 as follows:

Duke Energy undertook an assessment the locations identified by DENR in its summary on its review of the plants in the Spring of 2014 that included, among other things, a review of the NPDES permits and NPDES permit applications for those plants, dam safety inspection reports and in most instances, a physical review of the identified locations and the review of related notes or observations by those who conducted the physical review. The assessment included whether it was known there was a release(s) of a liquid to a surface water from any particular location. Based upon that assessment, any location from which there was a known release of liquids since January 1, 2009 was noted in the spreadsheet for each of the plants along with responses to the subparts to Question #4 for each such location.

Attachments A through G to these responses also contain a spreadsheet that provides answers to EPA's questions, and also identifies the persons primarily consulted in the preparation of Duke Energy's responses and the documents primarily relied upon in the development of these responses. Identifying information for the persons primarily consulted can be found in Appendix A to these responses, and documents primarily relied upon can be found on the disk provided with these responses.

Appendix A Identifying Information for Individuals Consulted

Name	Position	Employment Address	Telephone
Garwood, Jennifer	Sr EHS Professional – Env Sys & Compl Assurance	Duke Energy 299 First Ave North, St. Petersburg, FL 33701	727-820-5771
Howard, Robert	EHS	Roxboro Facility 1700 Dunnaway Road Semora, NC 27343	336-598-4077
Miller, Ricky	Lead EHS Professional	1199 Black Jack Church Road Goldsboro, NC 27530	919-722-6419
Phillips, Dulcie	Lead EHS Professional	10660 Boston Road Roxboro, NC 27574	336-597-7331
Scruggs, Don	Lead EHS Professional	253 Plant Road Belmont, NC 28012	704-400-3005
Tolbert, George	Senior EHS Professional	8320 Easy Highway 150 Terrell, NC 28682	336-589-4087
Tyndall, Kent	Lead EHS Professional	Sutton Steam Plant Road Wilmington, NC 28401	910-409-9430
Wooten, Dale	Sr EHS Professional	1385 Dukeville Road Salisbury, NC 28146	704-630-3086

#### Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Senior Vice President - Environment,

Health & Safety

Date: 12/1/14



One Wells Fargo Center 301 South College Street Suite 3500 Charlotte, NC 28202-6037

Telephone: (704) 331-4900 Fax: (704) 331-4955 www.wcsr.com Bradford A. De Vore Direct Dial: (704) 331-4941 Direct Fax: (704) 338-7802 E-mail: bdevore@wcsr.com

December 15, 2014

# VIA HAND DELIVERY

Mr. Michael Hom Environmental Engineer United States Environmental Protection Agency Clean Water Enforcement Branch 61 Forsyth Street, SW Atlanta, GA 30303-8960

Re:

Duke Energy Corporation's ("Duke Energy") Response to U.S. EPA's Request for Information Pursuant to Section 308 of the Clean Water Act Dated August 25, 2014 Question 2

Dear Mr. Hom:

This letter, enclosed CD and the attached Responses and Objections constitute a response of Duke Energy to the Request for Information ("RFI") from the U.S. Environmental Protection Agency ("EPA") dated August 25, 2014, addressed to Ms. Lynn J. Good of Duke Energy and received by Duke Energy on August 28, 2014. Pursuant to the agreement reached between Matt Hicks of EPA and David Buente of Sidley Austin, we are submitting responses to question 2 for the following facilities:

Allen

Buck

Lee

Marshall

Mayo

Roxboro

Weatherspoon



Mr. Michael Hom United States Environmental Protection Agency December 15, 2014 Page 2

Thank you for your attention to these matters.

Sincerely,

WOMBLE CARLYLE SANDRIDGE & RICE

A Limited Liability Partnership

Brad A. De Vore

BAD/ngb Enclosures

cc w/encl:

Laurie Lindquist Ireland, EPA

Matthews Hicks, EPA Denisse Diaz, EPA

Thomas Reeder, NCDENR David Fountain, Duke Energy Julie Ezell, Duke Energy

David Buente, Sidley Austin LLP

Sylvia Lowrance





## Second Responses and Objections of Duke Energy Corporation to EPA's Section 308 Request for Information Dated August 25, 2014 Question # 2

#### I. General Objections

Duke Energy Corporation ("Duke Energy") incorporates by reference, as if fully set forth herein, its General Objections stated in Duke Energy's First Response to the Request for Information ("RFI #2") from the U.S. Environmental Protection Agency ("EPA") dated August 25, 2014, submitted to EPA by Duke Energy on October 17, 2014.

#### II. Responses and Specific Objections

Subject to and without waiving the General Objections above or Specific Objections below, Duke Energy responds to Question 2 of RFI #2 as set forth below. Duke Energy reserves the right to supplement these responses.

- 2. For the period from January 2009 through the present, provide the following information for the NPDES permitted facilities listed below: all Discharge Monitoring Reports (DMRs) that indicate effluent limitation noncompliance or failure to monitor pursuant to the permit; all notifications to NCDENR as per the NPDES permit provisions of Part II.E(7) through Part II.E(9); NCDENR response to reported noncompliance.
  - a. NPDES NC0000396 Asheville Steam Electric Generating Plant
  - b. NPDES NC0001422 L. V. Sutton Electric Plant
  - c. NPDES NC0003417 H.F. Lee Steam Plant
  - d. NPDES NC0003425 Roxboro Steam Electric Generating Plant
  - e. NPDES NC0003433 Cape Fear Steam Electric Generating Plant
  - f. NPDES NC0003468 Dan River Combined Cycle Station
  - g. NPDES NC0004774 Buck Steam Station
  - h. NPDES NC0004961 Riverbend Steam Station
  - i. NPDES NC0004979 Plant Allen Steam Station
  - j. NPDES NC0004987 Marshall Steam Station
  - k. NPDES NC0005088 Cliffside Steam Station
  - I. NPDES NC0005363 Weatherspoon Steam Electric Plant
  - m. NPDES NC0024406 Belews Creek Steam Station
  - n. NPDES NC0038377 Mayo Steam Electric Generating Plant Specific Objections:

Duke Energy objects to Question No. 2 on the basis that the following terms used in the question are vague and ambiguous, rendering Question No. 2 unreasonable: "indicate," "noncompliance," "notifications," "reported," and "failure to monitor."

Duke Energy further objects to Question No. 2 on the basis and to the extent that it requests Duke Energy to produce information that is fully and equally available to EPA. Duke Energy also objects to responding with any information that concerns groundwater conditions or sampling/data at the enumerated facilities.

Duke Energy objects to producing again those materials included with its responses dated September 17, 2014; October 3, 2014; and December 2, 2014 to the EPA Request for Information dated July 31, 2014, questions 2, 3 and 4 and those materials are incorporated herein by reference.

By agreement with EPA confirmed in an email between Matt Hicks of EPA and David Buente and Sylvia Lowrance dated September 9, 2014, Duke Energy is providing responses to Question No. 2 in a series of facility-specific spreadsheets, as follows:

On November 17, 2014, responses for:

- A. Asheville Steam Electric Generating Plant
- B. Belews Creek Steam Station
- C. Cape Fear Steam Electric Generating Plant
- D. Cliffside Steam Station
- E. Dan River Combined Cycle Station
- F. L. V. Sutton Electric Plant
- G. Riverbend Steam Station

# On December 15, 2014, responses for:

- H. Plant Allen Steam Station
- I. Buck Steam Station
- J. H.F. Lee Steam Plant
- K. Marshall Steam Station
- L. Mayo Steam Electric Generating Plant
- M. Roxboro Steam Electric Generating Plant
- N. Weatherspoon Steam Electric Plant

Attachments A through G identify, by facility, the persons primarily consulted in the preparation of Duke Energy's responses and the documents primarily relied upon in the development of these responses for Allen, Buck, H.F. Lee, Marshall Mayo, Roxboro and Weatherspoon. Identifying information for the persons primarily consulted can be found in Appendix A to these responses, and documents primarily relied upon can be found on the disk provided with these responses, Bates Numbered EPARFI05203 to EPARFI05216, EPARFI06713 to EPARFI06716 and EPARFI07049 to EPARFI07692.

Duke further responds that it became aware of "seeps" as identified in the response to the July 31, 2014 EPA Request for Information, questions 3 and 4 for the Allen, Buck, H.F. Lee, Marshall Mayo, Roxboro and Weatherspoon facilities. Certain of those seeps were brought to the attention of NCDENR in 2010 including in a 2010 powerpoint presentation (see Bates stamped EPARFI01178-1190; powerpoint presentation and NCDENR took no action in response. In response to NCDENR requests in 2014, Duke retained certain consultants to identify "seeps" at its North Carolina plants. The "seeps" identified by those consultants were included in NPDES permit application packages submitted to NCDENR to date as follows:

<u>Facility</u>	NPDES	Date of Submittal	Description of Submittal
	Permit No.		
Allen	NC0004979	2014-10-15	Permit Application
Allen	NC0004979	2014-10-31	Updated information – Toe Drain
Asheville	NC0000396	2014-07-30	Update of Renewal Application originally
			submitted on June 16, 2010
Asheville	NC0000396	2014-10-31	Updated seep map
Belews Creek	NC0024406	2014-07-29	Permit Modification Request
Belews Creek	NC0024406	2014-10-31	Updated Seep Map and Toe Drain
			Information
Belews Creek	NC0024406	2014-11-06	Materials inadvertently left out of October
			31, 2014 package regarding seep and
			toe drain information
Buck	NC0004774	2014-10-14	Permit Modification Request
Cape Fear	NC0003433	2014-07-30	Update to NPDES Permit Application
			submitted on December 2, 2010
Cape Fear	NC0003433	2014-10-31	Updated seep map and analytical results
			for seep S-16
Cliffside	NC0005088	2014-07-28	Permit Modification Request
Cliffside	NC0005088	2014-10-31	Updated seep map with toe drain
ļ			information and analytical results for
			seep 17
Dan River	NC0003468	2014-07-29	Permit Modification Request
H.F. Lee	NC0003417	2014-10-14	Update of Renewal Application originally
			submitted on November 20, 2012
Marshall	NC0004987	2014-10-09	Permit Application
Marshall	NC0004987	2014-10-31	Updated seep map
Mayo	NC0038377	2014-10-13	Update to existing NPDES Application
Mayo	NC0038377	2014-10-31	Updated seep map
Riverbend	NC0004961	2014-05-15	Permit Application
Riverbend	NC0004961	2014-05-28	Additional check to cover fee for major
			permit modification
Roxboro	NC0003425	2014-10-13	Update of Renewal Application originally
			submitted on September 28, 2011
Sutton	NC0001422	2014-07-28	Application update in response to
			DENR's Notice of Modification dated
			March 14, 2014
Weatherspoon	NC0005363	2014-10-10	Application Amendment update to Permit
			Application originally submitted on
			January 28, 2014

Supplemental information to those applications will likely also be submitted to NCDENR.

Appendix A Identifying Information for Individuals Consulted

Name	Position	Employment Address	Telephone
Baxley, Larry C.	EHS Construction Manager – Carolinas East Gen Env.	Weatherspoon Plant 491 Power Plant Rd. Lumberton, NC 28358	910-272-7062
Brooks, David	Procedures and Training Coordinator	864 South Edgewood Rd. Eden, NC 27288	336-623-0240
Howard, Robert	EHS	Roxboro Facility 1700 Dunnaway Road Semora, NC 27343	336-598-4077
Miller, Ricky	Lead EHS Professional	1199 Black Jack Church Road Goldsboro, NC 27530	919-722-6419
Phillips, Dulcie	Lead EHS Professional	10660 Boston Road Roxboro, NC 27574	336-597-7331
Scruggs, Don	Lead EHS Professional	253 Plant Road Belmont, NC 28012	704-400-3005
Tolbert, George	Senior EHS Professional	8320 East Highway 150 Terrell, NC 28682	336-589-4087
Tyndall, Kent	Lead EHS Professional	Sutton Steam Plant Road Wilmington, NC 28401	910-409-9430
Wooten, Dale	Sr EHS Professional	1385 Dukeville Road Salisbury, NC 28146	704-630-3086
Zalme, Nob	Lead EHS Professional	2818 S. Main Street Concord, NC 28027	336-462-0221

# **Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Harry Sideris
Senior Vice President – Environmental,
Health & Safety

Date: 12/15/14